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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,089	02/17/2004	Arup Acharya	YOR920040040US1	9901
55450	7590	05/01/2008		
GEORGE A. WILLINGHAN, III			EXAMINER	
AUGUST LAW GROUP, LLC			COBURN, CORBETT B	
P.O. BOX 19080				
BALTIMORE, MD 21284-9080			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,089

Applicant(s)

ACHARYA ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19, 21-32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16-19, 21-27, 29-32 and 34-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13, 14, 16-19, 21-27, 29-32 & 34-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 recites “comprising one or more game participants”. Game participants are human & may not be claimed. Examiner suggests that the claim might be amended to recite “linking one or more game participants”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13, 14, 16-19, 21-27, 29-32 & 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Christofferson et al. (US Patent Number 7,006,616).

Claims 13, 26: Christofferson teaches a method for providing simultaneous context based audio interaction among a plurality of participants in a network based gaming environment. Christofferson teaches establishing a network based game environment containing a plurality of game participants (20) and thus identification for these participants. Christofferson maintains a game state profile for each one of the game

participants and establishes a plurality of concurrent voice over Internet protocol based audio conferences among the game participants based upon the game state profiles. The game state profile includes at least the participant's location in the virtual environment. (Abstract & Col 1, 37-47) Each audio conference includes two or more game participants having one or more shared game contexts. Every conference must have multiple participants – one cannot confer with oneself. Since the participants are all in the same game, they have at least one shared game context.

Claims 14, 27: Christofferson teaches maintaining a game state profile for each participant in a single centralized game server (100).

Claims 16, 29: Christofferson teaches establishing a session initiation protocol based voice over Internet protocol based audio conference. (630)

Claims 17, 30: Christofferson teaches determining a plurality of distinct groups of game participants possessing a shared context that permits the transmission or receipt of audio communications among game participants in the group. Fig 8 distinctly shows a plurality of distinct groups with at least two members. Christofferson teaches audio among conference participants. This is a shared context. Each group is associated with an audio conference. The sound in the conference is based on location in the game. If one group is located away from another group, the sound is attenuated based on distance between the groups. If the groups are located far enough apart (or in different rooms), the members of one group could not hear the members of the other group at all.

Claims 18, 19, 31, 32: Christofferson inherently teaches modifying the group of participants based upon changes in the game state profiles of game participants in the

group. If a participant enters or leaves the conference, a member is added or deleted from the group.

Claim 20, 21, 33, 34: Christofferson teaches determining a plurality of groups of participants wherein each group of game participants possessing a shared context that permits the transmission or receipt of audio communications among game participants in that group. Furthermore, Christofferson teaches dynamically switching at least one participant between two distinct groups. (Fig 8) Participants may form multiple groups in a chat room and there may be multiple chat rooms. A participant may move from group to group within a chat room or move to an entirely different chat room.

Claims 22, 35: Christofferson teaches delivering an audio signal to each audio conference participant that comprises the sum of all received audio signals from all other audio conference participants. (Col 15, 5-10)

Claims 23, 24, 36, 37: Christofferson teaches determining an audio feature vector for each pair of audio conference participants based upon the game state profiles associated with the participants and modifying audio signals transmitted between the pair of audio conference participants in accordance with the audio feature vector. Christofferson teaches that the sound heard depends on the position of the various participants.

Claims 25, 38: Christofferson teaches changing the sound based on changes in relative position. (Col 3, 43-47) This is modifying the audio feature vector in response to changes in the game state profiles of the audio conference participants.

Response to Arguments

5. Applicant's arguments filed 17 January 2008 have been fully considered but they are not persuasive.
6. Applicant's arguments are drawn to the claims as amended and are answered in the rejection above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714